

REMARKS

Applicants submit this Request for Reconsideration in reply to the Office Action mailed September 30, 2005.

Claims 8-25 are currently pending in this application. Claims 8, 11, 14, 17, 20, and 23 are independent claims.

On page 2 of the Office Action, claims 8, 11, 14, 17, 20, and 23 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Specifically, the Office Action asserts that it is unclear "how a drive mechanism for a drug delivery device can only comprise an epicyclic gearbox." Applicants respectfully disagree with this assertion. Each of claims 8, 11, 13, 17, 20, and 23 recite a drive mechanism either "comprising" or "including" an epicyclic gearbox. Thus, the use of open ended terms such as "comprising" and "including" indicates that the drive mechanism may include components other than the epicyclic gearbox, however, the only aspect that each drive mechanism must include is an epicyclic gearbox. Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 112, second paragraph rejection.

On page 2 of the Office Action, claims 8-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,235,004 to Steenfeldt-Jensen et al. ("D1"). Applicants respectfully traverse this rejection.

D1 does not disclose or suggest the claimed invention. For example, each of independent claims 8, 11, 14, 17, 20, and 23 recite, among other aspects, a drive mechanism including an epicyclic gearbox. D1 does not disclose at least this aspect of each respective claim.

Page 2 of the Office Action asserts that bushing 82 of D1 corresponds to the epicyclic gearbox of the claimed invention. However, Applicants do not understand how bushing 82 is a gear or gearbox of any sort, let alone an epicyclic gearbox. Indeed, D1 does not even mention any of the words "gear," "box," "epicyclic," or "cyclic" at all.

Moreover, as set forth on page 8, lines 12-18 of the originally-filed specification,

[t]he term "epicyclic gearbox" according to instant invention shall mean a system of gears, comprising of a central sun gear ("sun gear") and one or more planetary gear, and a ring gear. Generally, in such an epicyclic gearbox, the planetary gear(s) travel(s) around the sun gear, whose axis is fixed. Additionally, the axis of the ring gear in such an epicyclic gearbox is identical to the fixed axis of the sun gear. The "ring gear" according to instant invention may optionally encompass a circular arrangement of splines or the like.

D1 does not disclose any of the aforementioned components. Accordingly, at least because D1 does not disclose an epicyclic gearbox, Applicants respectfully request withdrawal of the Section 102(b) rejection.

Claims 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24, and 25 depend from one of independent claims 8, 11, 14, 17, 20, and 23, and are therefore allowable for at least the same reasons that each respective independent claim is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore at least some are also separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the art cited against this application. Applicants therefore request the withdrawal of the rejections, and the timely allowance of pending claims 8-25.

The Office Action contains other characterizations and assertions regarding the claims and the cited art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification and claims in this Request for Reconsideration, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

If there is any fee due in connection with the filing of this Request for Reconsideration that are not otherwise accounted for, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 29, 2006

By: 

Michael W. Kim
Reg. No. 51,880